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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,123	10/15/2001	Angel Janevski	US 010517	3796
24737	7590	07/11/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			DUNN, MISHAWN N	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/978,123	JANEVSKI, ANGEL	
	Examiner	Art Unit	
	Mishawn N. Dunn	2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-16 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 3,10 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/23/2006 have been fully considered but they are not persuasive.

Applicant submits that Tajima (US Pat. No. 6,928,231) does not compare a demodulated field to a template. One with ordinary skill in the art knows that a frame consists of at least two fields. Claims 1, 8, and 15 are "comprising," thus the frames that are output from the television tuner are fields as well. In addition, an artisan with ordinary skill in the art would readily recognize that a tuner could not receive a modulated signal without a demodulator to output the signal. As a result, the fields that are being compared to a template are demodulated fields. Therefore, Tajima does compare a demodulated field to a template (col. 5, lines 52-66).

Applicant also submits that Tajima does not determine any threshold level of similarity between a demodulated field and a template. As explained above, Tajima does disclose demodulated fields. Also, Tajima determines a threshold level (designated value) of similarity between a demodulated field and a template (col. 5, line 64 – col. 6, line 7).

Claims 2, 4-7, 9, 11-14, 16, and 18-21 depend from claims 1, 8, and 15 and deemed unpatentable for the reasons set forth above.

Applicant also submits that Tajima does not disclose a datastream, which includes a broadcast programming stream and at least one template. One of ordinary skill in the art would readily recognize that a datastream is simply sequence of digitally

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encoded signals representing information also known as a video/audio signal. Tajima teaches a video signal including broadcast program and at least one template (col. 5, line 39 – col. 6, line 24; col. 11, lines 54-65).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 4-9, 11-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tajima (US Pat. No. 6,928,231).

4. Consider claim 1. Tajima teaches a system for video content-based selection of programming for recording comprising: a connection for receiving broadcast programming (col. 5, lines 39-43); and an image processor comparing a demodulated field from the received broadcast programming to a template defining characteristics of

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video content desired to be recorded and saving the field in response to determining at least a threshold level of similarity between the field and the template (col. 5, lines 52 – col. 6, line 24).

5. Consider claim 2. Tajima teaches that the template defines color characteristics and spatial distribution of regions to be compared to the demodulated field for determining a level of similarity (col. 9, lines 45-64; col. 6, line 38 – col. 7, line 14).

6. Consider claim 4. Tajima teaches that the image processor continuously compares demodulated fields for a selected channel to the template (col. 5, lines 52 – col. 6, line 24).

7. Consider claim 5. Tajima teaches that the image processor compares demodulated fields for a selected channel to the template during a predefined period (col. 9, line 65 – col. 10, line 43).

8. Consider claim 6. Tajima teaches that the image processor compares successive demodulated fields to the template and saves all demodulated fields having at least the threshold level of similarity with the template together with associated audio (col. 5, lines 52 – col. 6, line 24).

9. Consider claim 7. Tajima teaches that the image processor compares demodulated fields for a plurality of channels each to a designated template from one or more templates (col. 5, lines 52 – col. 6, line 24).

10. Claims 8, 9, 11-16, and 18-22 are rejected for the same reasons as discussed in the corresponding system claims above.

***Allowable Subject Matter***

11. Claims 3, 10, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

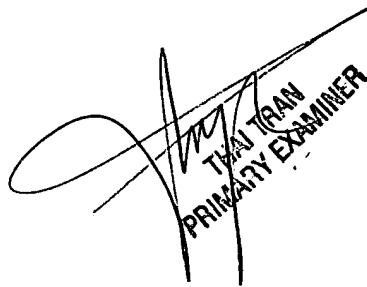
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn  
July 7, 2006



THAI TRAN  
PRIMARY EXAMINER